

ASSEMBLY, No. 1638

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Restricts occupancy of dwelling unit in age-restricted community to older adults following resale.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain age-restricted communities and
2 amending and supplementing P.L.2008, c.71.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.2008, c.71 (C.45:22A-46.2) is amended to
8 read as follows:

9 2. Notwithstanding any law or governing document to the
10 contrary, the purchaser or grantee by operation of law of a dwelling
11 unit in an age-restricted community shall be required to certify,
12 prior to the resale or transfer by operation of law of a dwelling unit
13 within the community, that the dwelling unit will be occupied by a
14 person of an age that ensures compliance with the "housing for
15 older persons" exception from the federal "Fair Housing
16 Amendments Act of 1988," Pub.L.100-430 (42 U.S.C. ss.3601 et
17 seq.) for that community as set forth in section 100.301 of Title 24,
18 Code of Federal Regulations. The certification shall be on such
19 form as may be prescribed by the Commissioner of Community
20 Affairs, but shall not exceed one page in length. A copy of the
21 certification shall be provided to the purchaser for recording. For
22 the purpose of P.L.2008, c.71 (C.45:22A-46.1 et al.), "resale" shall
23 mean any sale of a dwelling unit within an age-restricted
24 community, other than the initial sale of the unit made by the
25 developer to a purchaser, and shall include a tax or mortgage
26 foreclosure sale, execution sale, or bankruptcy sale.
27 (cf. P.L.2008, c.71, s.2)

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29 2. (New section) Following resale or transfer by law of a
30 dwelling unit in an age-restricted community, occupancy of the unit
31 shall be restricted to a person of an age allowing the community to
32 maintain its status as "housing for older persons," as defined in the
33 federal "Fair Housing Amendments Act of 1988," Pub.L.100-430
34 (42 U.S.C. ss.3601 et seq.), subject to the requirements set forth in
35 subpart E of part 100 of Title 24, Code of Federal Regulations,
36 notwithstanding that the resale or transfer by law of the unit was for
37 affordable housing purposes and that occupancy of the unit may be
38 restricted to low- or moderate-income households. For the purpose
39 of this section, "resale" shall mean resale as defined in section 2 of
40 P.L.2008, c.71 (C.45:22A-46.2).

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42 3. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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This bill requires dwelling units in an age-restricted community that are transferred by resale to remain occupied by households that will allow the age-restricted community to remain "housing for older persons," as defined by the federal "Fair Housing Amendments Act of 1988," 46 U.S.C. ss.3601 et seq. This bill also clarifies the definition of "resale" in P.L.2008, c.71 to provide that resale includes mortgage and tax foreclosure sales, execution sales, and bankruptcy sales.

The sponsors intend this legislation to preserve age-restricted properties' unique status by requiring that dwelling units transferred by resale, even for affordable housing purposes, continue to be occupied by older adults.